

FILED

NOV 19 2013

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS LYNN SMITH,

Defendant.

Criminal No.

2:13cr46

Violations:

21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 841(c)(2)
21 U.S.C. § 843(a)(6)
21 U.S.C. § 843(d)(2)
21 U.S.C. § 846
21 U.S.C. § 856(a)(2)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Attempted Manufacture of Methamphetamine)

On or about September 9, 2013, at or near Upper Tract, Pendleton County, West Virginia, and within the Northern Judicial District of West Virginia, the defendant, **DENNIS LYNN SMITH**, did knowingly and intentionally attempt to manufacture a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, as designated by Title 21, Code of Federal Regulations, Section 1308.12(d)(2), all in violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(C).

COUNT TWO

(Possession of Material Used in the Manufacture of Methamphetamine)

On or about September 9, 2013, at or near Upper Tract, Pendleton County, West Virginia, and within the Northern Judicial District of West Virginia, the defendant, **DENNIS LYNN SMITH**, did knowingly and intentionally possess any equipment, chemical, product, and material, that is, Coleman brand camp fuel, Gasoline Stove and Lantern Fuel, batteries, mesh filters, plastic tubing, and glass jars, which may be used to manufacture methamphetamine, a Schedule II controlled substance as designated by Title 21, Code of Federal Regulations, Section 1308.12(d)(2), knowing, intending and having reasonable cause to believe that such equipment, chemical, product and material will be used to illegally manufacture methamphetamine, all in violation of Title 21, United States Code, Sections 843(a)(6) and 843(d)(2).

COUNTS THREE THROUGH FIVE

(Possession of Pseudoephedrine to be Used in the Manufacture of Methamphetamine)

On or about the dates and at or near the locations listed in the chart below, within the Northern Judicial District of West Virginia, the defendant, **DENNIS LYNN SMITH**, did knowingly and intentionally possess pseudoephedrine, a listed chemical under Title 21 of the Code of Federal Regulations, knowing, and having reasonable cause to believe, that it will be used to manufacture methamphetamine, a Schedule II controlled substance as designated by Title 21, Code of Federal Regulations, Section 1308.12(d)(2), where each instance constitutes a separate count:

COUNT	DATE	LOCATION
Three	March 12, 2013	Rite Aid Pharmacy Franklin, Pendleton County
Four	June 7, 2013	Rite Aid Pharmacy Franklin, Pendleton County
Five	June 14, 2013	Rite Aid Pharmacy Franklin, Pendleton County

All in violation of Title 21, United States Code, Section 841(c)(2).

COUNT SIX

(Maintaining Drug-Involved Premises)

From on or about March 5, 2013, to on or about September 9, 2013, at or near Upper Tract, Pendleton County, West Virginia, and within the Northern District of West Virginia, the defendant, **DENNIS LYNN SMITH**, managed and controlled a place, as an owner, lessee and occupant, that is, a residence at or near Schmucker Road, in Upper Tract, West Virginia, and did knowingly and intentionally make said place available for use for the purpose of unlawfully manufacturing, storing, and using methamphetamine, a Schedule II controlled substance as designated by Title 21, Code of Federal Regulations, Section 1308.12(d)(2), all in violation of Title 21, United States Code, Section 856(a)(2).

A true bill,

/s/ _____
Foreperson

/s/ _____
WILLIAM J. IHLENFELD, II
United States Attorney